

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
SOUTHEASTERN DIVISION

The Court has received a Report and Recommendation from the Honorable Karen K. Klein, United States Magistrate Judge, pursuant to 28 U.S.C. § 636, recommending that Plaintiff's Motion for Approval of Attorney's Fees and Costs be granted (Doc. #37). Neither party filed objections to the Report and Recommendation within the time prescribed by Fed.R.Civ.P. 72(b) and Local Rule 72.1(D)(3).

After carefully reviewing the Report and Recommendation, along with the entire file, the Court agrees with the Magistrate Judge's analysis. Accordingly, the Court hereby adopts the Report and Recommendation in its entirety. For the reasons set forth therein, Plaintiff's Motion for Approval of Attorney's Fees is **GRANTED** (Doc. #32).

**IT IS HEREBY ORDERED** that Plaintiff's counsel be awarded a fee of \$9,434.50 for work performed on the federal court appeal, with the requirement that Plaintiff's counsel refund awarded EAJA fees in the amount of \$5,250.00 to Plaintiff.

## IT IS SO ORDERED.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated this 29th day of May, 2014.

/s/ Ralph R. Erickson  
Ralph R. Erickson, Chief Judge  
United States District Court